

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FPP, LLC, f/k/a PANTHER PANACHE, LLC,

Plaintiff,

-against-

XAXIS US, LLC, f/k/a 24/7 REAL MEDIA US, INC.,

Defendant.

Civil No. 1:14-cv-06172 (LTS) (AJP)

**DEFENDANT XAXIS' NOTICE  
OF MOTION FOR ITS MOTION  
IN LIMINE TO EXCLUDE  
PLAINTIFF'S PROPOSED  
DAMAGES EXPERT**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, dated December 28, 2016, the supporting Declaration of Paul F. Corcoran dated December 28, 2016 and the exhibits annexed thereto, all prior pleadings and proceedings had herein, and any subsequent reply papers submitted in support of this motion, Defendant Xaxis US, LLC, f/k/a 24/7 Real Media US, Inc. ("Defendant"), by and through its undersigned attorneys Davis & Gilbert LLP, will move this Court before the Honorable Laura Taylor Swain, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order, pursuant to Rule 702 of the Federal Rules of Evidence and the standards articulated in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), granting Defendant's Motion *in Limine* and excluding the report and testimony of Melissa Snelson, the proposed damages expert of Plaintiff FPP, LLC, f/k/a Panther Panache, LLC.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to this Court's Pre-Trial Scheduling Order, Defendant discussed this anticipated Motion *in Limine* with Plaintiff at the parties' preliminary conference and used its best efforts to informally resolve the matters raised in this motion.

Dated: New York, New York  
December 28, 2016

DAVIS & GILBERT LLP

By:           /s/Paul Corcoran            
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